

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re:

The Diocese of Rochester,

Debtor.

Chapter 11

Case No. 19-20905 (PRW)

NOTICE OF FILING

PLEASE TAKE NOTICE that, in accordance with the *Administrative Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Professionals and Members of Official Committees* [Docket No. 318] and the *Supplement and Modification to Administrative Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Professionals and Members of Official Committees* [Docket No. 545], Burns Bair LLP has filed the *Monthly Fee Statement of Burns Bair LLP for Compensation for Services Rendered and Reimbursement of Expenses as Special Insurance Counsel to the Official Committee of Unsecured Creditors of the Diocese of Rochester for the Period April 1, 2023 through April 30, 2023*, a copy of which is attached hereto and hereby served upon you. In addition, Burns Bair LLP has provided the United States Trustee with a copy of its invoice in text format.

Dated: May 30, 2023

BURNS BAIR LLP

/s/ Timothy W. Burns

Timothy W. Burns (admitted *pro hac vice*)

Jesse J. Bair (admitted *pro hac vice*)

10 E. Doty St., Suite 600

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*Special Insurance Counsel to the Official Committee
of Unsecured Creditors of the Diocese of Rochester*

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re:

The Diocese of Rochester,

Debtor.

Case No. 19-20905

Chapter 11

**MONTHLY FEE STATEMENT OF BURNS BAIR LLP FOR COMPENSATION FOR
SERVICES RENDERED AND REIMBURSEMENT OF EXPENSES AS SPECIAL
INSURANCE COUNSEL TO THE OFFICIAL COMMITTEE OF UNSECURED
CREDITORS OF THE DIOCESE OF ROCHESTER FOR THE PERIOD
APRIL 1, 2023 THROUGH APRIL 30, 2023**

Name of Applicant:	<u>Burns Bair LLP</u>
Authorized to Provide Professional Services to:	<u>Official Committee of Unsecured Creditors of the Diocese of Rochester</u>
Date of Retention:	<u>Effective May 26, 2021 pursuant to Order entered June 22, 2021 [Docket No. 1113]</u>
Period for which compensation and reimbursement is sought:	<u>April 1, 2023 through April 30, 2023</u>
Amount of compensation sought as actual, reasonable, and necessary:	<u>80% of \$25,357.50 (\$20,286.00)</u>
Amount of expense reimbursement sought as actual, reasonable, and necessary:	<u>\$58.79</u>

This is a: X monthly ___ quarterly ___ final application.

This is Burns Bair LLP's twenty-third monthly fee statement in this case.

Burns | Bair

10 E. Doty St., Suite 600
Madison, Wisconsin 53703-3392
608-286-2302
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**Official Committee of Unsecured Creditors of
The Diocese of Rochester, New York**

Issue Date : 5/30/2023

Bill # : 01139

Matter: Insurance

PROFESSIONAL SERVICES RENDERED

<u>Date</u>	<u>Timekeeper</u>	<u>Narrative</u>	<u>Hours</u>	<u>Amount</u>
4/3/2023	Timothy Burns	Conference with J. Bair re insurance strategy (.3); Correspondence with J. Bair re LMI's email re finalizing LMI settlement (.1);	0.40	\$280.00
4/3/2023	Jesse Bair	Correspondence with J. Carter re CNA coverage letters (.1);	0.10	\$62.50
4/3/2023	Jesse Bair	Correspondence with I. Scharf and T. Burns re LMI Plan issues (.1);	0.10	\$62.50
4/3/2023	Jesse Bair	Participate in conference with T. Burns re case insurance strategy and next-steps moving forward (.3);	0.30	\$187.50
4/3/2023	Jesse Bair	Review correspondence with I. Scharf and state court counsel re upcoming state court counsel meeting (.1);	0.10	\$62.50
4/4/2023	Timothy Burns	Participate in call with I. Scharf re Interstate's motion to lift stay (.2); draft memo to file re same (.1); review correspondence from state court counsel re pending insurance-related motions (.1); participate in weekly state court counsel meeting for insurance purposes re case litigation and settlement strategy (1.0); draft memo to file re same (.1); participate in BB team meeting re case developments and related projects (.1); conference with J. Bair re insurance settlement strategy (.2);	1.80	\$1,260.00
4/4/2023	Nathan Kuenzi	Participate in BB team meeting re case developments and related projects (.1);	0.10	\$42.00
4/4/2023	Leakhena Au	Participate in BB team meeting re case status and ongoing projects (.1);	0.10	\$42.00
4/4/2023	Brian Cawley	Participate in BB team meeting re case developments and related projects (.1);	0.10	\$42.00
4/4/2023	Alyssa Turgeon	Participate in BB team meeting re case status and ongoing projects (.1);	0.10	\$36.00

4/4/2023	Jesse Bair	Prepare for state court counsel meeting (.1); participate in weekly state court counsel meeting for insurance purposes re case litigation and settlement strategy (1.0);	1.10	\$687.50
4/4/2023	Jesse Bair	Review T. Burns correspondence re Interstate's motion to lift the stay of the insurance adversary proceeding (.1);	0.10	\$62.50
4/4/2023	Jesse Bair	Participate in conference with T. Burns re insurance settlement strategy (.2);	0.20	\$125.00
4/4/2023	Jesse Bair	Review correspondence from state court counsel re insurance and mediation issues (.1);	0.10	\$62.50
4/4/2023	Jesse Bair	Participate in BB team meeting re case status and ongoing projects (.1);	0.10	\$62.50
4/5/2023	Timothy Burns	Conference with J. Bair re insurance litigation and settlement strategy (.3);	0.30	\$210.00
4/5/2023	Jesse Bair	Conference with T. Burns re insurance litigation and settlement strategy (.3);	0.30	\$187.50
4/5/2023	Jesse Bair	Correspondence with I. Scharf re CNA denial letters as potential exhibits to the Committee's motion to dismiss CNA's claim objections (.1);	0.10	\$62.50
4/5/2023	Jesse Bair	Correspondence with B. Cawley re identifying all applicable CNA denial letters for potential use as exhibits to the Committee's motion to dismiss CNA's claim objections (.1);	0.10	\$62.50
4/6/2023	Jesse Bair	Review and edit current draft of the Committee's motion to dismiss or adjourn CNA's claim objections (1.8);	1.80	\$1,125.00
4/6/2023	Jesse Bair	Participate in conference with T. Burns re potential Interstate settlement strategy (.7);	0.70	\$437.50
4/6/2023	Jesse Bair	Analysis re Interstate exposure, POCs, coverage details, and current settlement status in connection with potential Interstate settlement strategy (.7); draft Interstate overview summary in connection with same (.6);	1.30	\$812.50
4/6/2023	Jesse Bair	Analyze individual CNA denial letters for each of the claims objected to by CNA (.3); correspondence with I. Scharf re same and potential exhibits to the Committee's motion to dismiss or adjourn CNA's claim objections (.2);	0.50	\$312.50
4/6/2023	Brian Cawley	Discuss CNA denial letter exhibit production with J. Bair (.1); prepare CNA denial letters for production as potential motion exhibits (.3);	0.40	\$168.00
4/6/2023	Timothy Burns	Analysis re potential Interstate settlement strategy (.5); review J. Bair's memo re same (.2); participate in conference with J. Bair re same (.7); draft PowerPoint presentation, including associated legal research and analysis re potential settlement strategy (2.1);	3.50	\$2,450.00
4/7/2023	Leakhena Au	Analysis regarding specific coverage position of CNA with respect to each individual POC (2.3);	2.30	\$966.00

4/7/2023	Timothy Burns	Prepare for call with certain state court counsel re insurance settlement issues and strategy (.8) participate in call with state court counsel and J. Bair re same (1.2) follow-up conference with J. Bair re same and next-steps (.1); follow-up call with certain state court counsel re same and next-steps (.1); review and revise the Committee's draft motion to dismiss or adjourn CNA's claims objections (1.2); review and consider correspondence from L. Au and J. Bair re CNA's denials and reservations (.2);	3.60	\$2,520.00
4/7/2023	Jesse Bair	Prepare for call with certain state court counsel re insurance settlement issues (.1); participate in portion of call with state court counsel and T. Burns re insurance settlement issues and strategy (.7); follow-up correspondence with state court counsel re same (.1);	0.90	\$562.50
4/7/2023	Jesse Bair	Provide instructions to L. Au re supplemental CNA denial letter analysis project (.1); review L. Au correspondence re results of supplemental analysis (.1);	0.20	\$125.00
4/7/2023	Jesse Bair	Review T. Burns' suggested edits to the Committee's motion to dismiss or adjourn CNA's claims objections (.2);	0.20	\$125.00
4/8/2023	Jesse Bair	Continued analysis re CNA denial issues (.1); correspondence with state court counsel re same (.1);	0.20	\$125.00
4/10/2023	Jesse Bair	Participate in call with state court counsel and T. Burns re potential insurance settlement issues and strategy (.2); follow-up conference with T. Burns re same (.1);	0.30	\$187.50
4/10/2023	Timothy Burns	Participate in call with state court counsel and J. Bair re insurance settlement issues, strategy, and mediation (.2); participate in follow-up conference with J. Bair re same (.1);	0.30	\$210.00
4/11/2023	Jesse Bair	Participate in call with state court counsel and T. Burns re insurance settlement strategy (.1); participate in post-call conference with T. Burns re same and potential next-steps (.2);	0.30	\$187.50
4/11/2023	Jesse Bair	Prepare for state court counsel meeting (.1); participate in state court counsel meeting re insurance settlement issues and strategy (.8); participate in follow-up call with certain state court counsel re potential next-steps re same (.1); participate in conference with T. Burns re same (.2);	1.20	\$750.00
4/11/2023	Jesse Bair	Review final version of the Committee's motion to dismiss or adjourn CNA's claim objections (.2); review the Committee's letter to the Court requesting temporary adjournment of CNA's claim objections until standing issue has been resolved (.1);	0.30	\$187.50

4/11/2023	Timothy Burns	Participate in call with state court counsel and J. Bair re insurance settlement strategy (.1); participate in post-call conference with J. Bair re same and potential next-steps (.2); participate in state court counsel meeting re insurance settlement issues and strategy (.8); participate in follow-up call with certain state court counsel re potential next-steps re same (.1); participate in conference with T. Burns re same (.2);	1.40	\$980.00
4/12/2023	Timothy Burns	Additional analysis re final version of the Committee's response to CNA's claim objections (.1);	0.10	\$70.00
4/13/2023	Jesse Bair	Review CNA's letter to the Court re the Committee's request to temporarily adjourn CNA's claims objections (.1);	0.10	\$62.50
4/14/2023	Jesse Bair	Correspondence with I. Scharf re potential Interstate demand and call re same (.1);	0.10	\$62.50
4/14/2023	Jesse Bair	Correspondence with I. Scharf re recent CNA coverage correspondence to the Diocese (.1);	0.10	\$62.50
4/16/2023	Jesse Bair	Analyze and respond to T. Burns correspondence re recent CNA coverage letter to the Diocese (.1); follow-up correspondence with I. Scharf re same (.1);	0.20	\$125.00
4/16/2023	Timothy Burns	Review correspondence with I. Scharf re CNA coverage positions (.1); additional correspondence with J. Bair re same (.1);	0.20	\$140.00
4/17/2023	Jesse Bair	Participate in conference with T. Burns re Interstate and CNA strategy (.2);	0.20	\$125.00
4/17/2023	Jesse Bair	Correspondence with T. Burns re potential Interstate counter (.1);	0.10	\$62.50
4/17/2023	Jesse Bair	Review I. Scharf correspondence re litigation and settlement updates (.1);	0.10	\$62.50
4/17/2023	Timothy Burns	Analysis re potential insurance strategy for Interstate/CNA in advance of call with Diocese (.2); correspondence with PSZJ and Diocese re same (.2); participate in call with J. Bair re same (.2); participate in call with Diocese and PSZJ re same (.5); follow-up call with I. Scharf re same (.1); participate in additional call and exchange correspondence with J. Bair, PSZJ, and state court counsel re same (.8);	2.00	\$1,400.00
4/18/2023	Jesse Bair	Review the Diocese's opposition to Interstate's motion to lift the stay in the insurance adversary proceeding (.2);	0.20	\$125.00
4/18/2023	Jesse Bair	Review the Committee's opposition to Interstate's motion to lift the stay in the insurance adversary proceeding (.1);	0.10	\$62.50
4/19/2023	Jesse Bair	Review CNA's letter to the court re claim objection hearing and discovery schedule (.1);	0.10	\$62.50
4/20/2023	Leakhena Au	Analysis re protective order issues in connection with CNA denial letters (.3);	0.30	\$126.00
4/20/2023	Timothy Burns	Participate in call with state court counsel re CNA's claim objections and settlement issues (.6); post-call conference with J. Bair re same (.1);	0.70	\$490.00

4/20/2023	Jesse Bair	Participate in conference with T. Burns re CNA re claims objections and settlement issues (.1);	0.10	\$62.50
4/20/2023	Jesse Bair	Analysis re protective order issues in connection with CNA denial letters (.1); correspondence with T. Burns and L. Au re same (.1);	0.20	\$125.00
4/21/2023	Jesse Bair	Correspondence with I. Scharf, B. Michael, and state court counsel re particular CNA claim denials (.1);	0.10	\$62.50
4/21/2023	Jesse Bair	Review correspondence with T. Burns and state court counsel re research re CNA's inability to "cure" its prior denials of coverage and forfeiture of ability to control the defense (.1);	0.10	\$62.50
4/21/2023	Jesse Bair	Review certain sexual abuse survivors' joinder and related exhibits re the Committee's motion to dismiss CNA's claim objections (.2);	0.20	\$125.00
4/21/2023	Leakhena Au	Additional analysis in connection with particular CNA claim denials (.5);	0.50	\$210.00
4/21/2023	Brian Cawley	Supplemental analysis re prior research re insurer withdrawal of denial and impact on duty to defend (.3); correspond with T. Burns re research summary (.1);	0.40	\$168.00
4/22/2023	Jesse Bair	Review revised brief in support of appointment of stipulated judgment mediator (.2);	0.20	\$125.00
4/22/2023	Jesse Bair	Review revised version of stipulated judgment protocol (.1);	0.10	\$62.50
4/22/2023	Jesse Bair	Review information re potential Plan trustee candidates (.1);	0.10	\$62.50
4/24/2023	Jesse Bair	Review agenda for state court counsel meeting (.1);	0.10	\$62.50
4/24/2023	Jesse Bair	Participate in conference with T. Burns re state court counsel meeting outcome and insurance and settlement case next-steps (.2);	0.20	\$125.00
4/24/2023	Timothy Burns	Participate in conference with J. Bair re state court counsel meeting outcome and insurance and settlement case next-steps (.2);	0.20	\$140.00
4/24/2023	Timothy Burns	Participate in state court counsel meeting for insurance purposes re mediation and insurance strategy (.6);	0.60	\$420.00
4/25/2023	Jesse Bair	Review the Court's order granting Interstate's motion and lifting the stay of the insurance adversary proceeding (.2); analyze insurance implications of same re going-forward case strategy (.2); correspondence with T. Burns re same (.1);	0.50	\$312.50
4/25/2023	Jesse Bair	Review correspondence from state court counsel re implications of Order lifting insurance adversary stay (.1);	0.10	\$62.50
4/25/2023	Jesse Bair	Participate in conference with T. Burns re insurance implications of Order lifting the insurance adversary stay (.1);	0.10	\$62.50
4/25/2023	Timothy Burns	Participate in conference with J. Bair re insurance implications of Order lifting the insurance adversary stay (.1);	0.10	\$70.00

4/26/2023	Timothy Burns	Reviewed and considered the Court's order lifting the stay of the insurance adversary proceeding (.4); participate in call with state court counsel re same (.2); review correspondence with state court counsel re same (.2); participate in call with state court counsel re insurance issues (.6); participate in call with J. Bair re insurance strategy in light of recent case developments (.2);	1.60	\$1,120.00
4/26/2023	Jesse Bair	Participate in call with T. Burns re insurance strategy in light of recent case developments (.2);	0.20	\$125.00
4/26/2023	Jesse Bair	Review and consider correspondence with state court counsel and I. Scharf re case insurance issues (.2);	0.20	\$125.00
4/27/2023	Jesse Bair	Prepare for state court counsel meeting re settlement and insurance strategy (.1); participate in call with T. Burns re insurance strategy in connection with same (.2); participate in state court counsel meeting re same (.6); participate in post-call with T. Burns re outcome of same and next-steps re insurance strategy (.5);	1.40	\$875.00
4/27/2023	Jesse Bair	Analysis re potential response to First State's settlement counter (.1); correspondence with I. Nasatir re same (.1);	0.20	\$125.00
4/27/2023	Jesse Bair	Review correspondence with T. Burns and state court counsel re potential going-forward insurance strategy (.1);	0.10	\$62.50
4/27/2023	Timothy Burns	Prepare for state court counsel meeting re settlement and insurance strategy (.7); participate in call with J. Bair re insurance strategy in connection with same (.2); participate in state court counsel meeting re same (.6); participate in post-call with J. Bair re outcome of same and next-steps re insurance strategy (.5); correspondence with state court counsel re potential going-forward insurance strategy (.2);	2.20	\$1,540.00
4/28/2023	Timothy Burns	Participate in call with J. Bair re insurance adversary proceeding and insurance Plan issues (.1);	0.10	\$70.00
4/28/2023	Jesse Bair	Participate in call with T. Burns re insurance adversary proceeding and insurance Plan issues (.1);	0.10	\$62.50
4/29/2023	Jesse Bair	Review correspondence with T. Burns re potential First State counter (.1);	0.10	\$62.50
Total Hours and Fees			39.70	\$25,357.50

EXPENSES

<u>Date</u>	<u>Description</u>	<u>Amount</u>
4/1/2023	First Quarter 2023 PACER (Public Access to Court Electronic Records)	\$12.20
4/4/2023	CloudNine, database monthly hosting fee (March 2023)	\$46.59
Total Expenses		\$58.79

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Alyssa Turgeon	0.10	\$360.00	\$36.00
Brian Cawley	0.90	\$420.00	\$378.00
Jesse Bair	16.30	\$625.00	\$10,187.50
Leakhena Au	3.20	\$420.00	\$1,344.00
Nathan Kuenzi	0.10	\$420.00	\$42.00
Timothy Burns	19.10	\$700.00	\$13,370.00

Total Due This Invoice: \$25,416.29